

VZCZCXRO5029  
RR RUEHDBU RUEHLN RUEHVK RUEHYG  
DE RUEHTA #1946 1521658  
ZNR UUUUU ZZH  
R 011658Z JUN 06  
FM AMEMBASSY ALMATY  
TO RUEHC/SECSTATE WASHDC 5568  
INFO RUCNCIS/CIS COLLECTIVE  
RUEKJCS/SECDEF WASHDC  
RHEHNSC/NSC WASHDC  
RUEHAST/USOFFICE ASTANA

UNCLAS ALMATY 001946

SIPDIS

DEPARTMENT FOR S/WCI (WITTEN), L/PM (AHAINES), SCA/CEN (J. MUDGE), DOD/OGC (BEAVER), OUSD/DETAINEE POLICY (LIOTTA), NSC (CAMPONOVO)

SENSITIVE  
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E.O. 12958: N/A

TAGS: [PTER](#) [KAWC](#) [PINR](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: DISCUSSIONS ON GUANTANAMO DETAINEES;  
MLAT

REF: A. State 80798, B. Almaty 1703,

¶1. (SBU) Summary: Poloff met with Kazakhstani Ministry of Foreign Affairs Officer Ualikhan S. Sanginkhanov to stress that it is not appropriate to link the return of the Kazakhstani detainees at Guantanamo to the conclusion of a Mutual Legal Assistance Treaty (MLAT), as the two matters are not related. Poloff explained that the U.S. only enters into such agreements when the volume of legal assistance requests is quite high and there is a demonstrated need by both sides. Poloff also reiterated that three of the four Kazakhstani detainees are ready for transfer at Kazakhstan's earliest convenience. Sanginkhanov understood the U.S. position and agreed to recontact Poloff for further discussions about the detainees.

¶2. (SBU) On May 22, Poloff met with Ualikhan S. Sanginkhanov, Head of the MFA's Division of Europe and America, Department of Consular Services to further discuss the Kazakhstani detainees at Guantanamo Bay. Poloff delivered Ref A talking points. Sanginkhanov said that the information helped him understand why the U.S. had not acted on the Kazakhstani request to conclude a MLAT. He added that this was the first time he had heard a U.S. response on the MLAT issue.

¶3. (SBU) Poloff also reiterated that of the four Kazakhstani detainees at Guantanamo, three are ready for transfer to Kazakhstan. In response to Sanginkhanov's question of when the three would be available for transfer to Kazakhstani custody, Poloff advised that they are available as soon as Kazakhstan can make the appropriate assurances.

¶4. (SBU) Sanginkhanov said he understood the U.S. position on these issues and that he would pass it up the chain of command. He said that the ultimate decision on the return of Kazakhstani detainees would be made by the Committee for National Security (KNB) and the Ministry of Internal Affairs (MVD). Sanginkhanov said he would contact Poloff for further discussions on the Kazakhstani detainees as the decision process moves forward.

¶5. (SBU) Comment: In previous conversations with Kazakhstani officials, there has been muted interest at best in facilitating the return of Kazakhstani detainees. Gaining traction on this subject with local law enforcement authorities will probably require a more detailed articulation of U.S. expectations once any detainees are

returned to Kazakhstan i.e. prosecution, detention, or  
release. End comment.

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